

In re Application of:
Ostler et al.
U.S. Serial No. 09/801,351
Filed: March 7, 2001
Page 13

PATENT
Attorney Docket No.: MBM1410

REMARKS

Upon entry of the amendments, claims 1-56, and 103-104 will be pending. Claims 105-147 have been cancelled without prejudice or disclaimer. Claims 1-56, and 103-104 have been deemed allowable in Paper No. 8 dated October 10, 2002.

The Rejection under 35 U.S.C. § 112, Second Paragraph

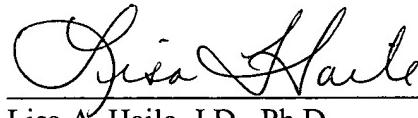
The rejection of claims 105-147 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention is respectfully traversed.

In particular, it is alleged that the term "may be composed" as recited in claims 105, 120, and 132 are indefinite as to whether the limitation is being claimed or not. Applicants respectfully submit, however, that one skilled in the art, viewing the claims in light of the specification, would recognize the metes and bounds of the claimed invention. Nevertheless, in order to advance the prosecution of the current invention, claims 105-147 have been cancelled herein without prejudice or disclaimer.

It is submitted that the currently pending claims are in condition for allowance, as acknowledged in the Final Office Action. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Respectfully submitted,

Dated: May 17, 2004


Lisa A. Haile
Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
USPTO Customer Number 28213